

Commonwealth of Massachusetts

SUFFOLK, SS.

TRIAL COURT OF THE COMMONWEALTH

SUPERIOR COURT DEPARTMENT

CIVIL DOCKET NO.

21 - 0694

Kelechi Linaddy PLAINTIFF(S),

v. Peter McCarthy and  
Boston Police Dep't. DEFENDANT(S)

SUMMONS

THIS SUMMONS IS DIRECTED TO Peter McCarthy. (Defendant's name)

You are being sued. The Plaintiff(s) named above has started a lawsuit against you. A copy of the Plaintiff's Complaint filed against you is attached to this summons and the original complaint has been filed in the Suffolk Superior Court. YOU MUST ACT PROMPTLY TO PROTECT YOUR RIGHTS.

1. **You must respond to this lawsuit in writing within 20 days.** If you do not respond, the court may decide the case against you and award the Plaintiff everything asked for in the complaint. You will also lose the opportunity to tell your side of the story. You must respond to this lawsuit in writing even if you expect to resolve this matter with the Plaintiff. **If you need more time to respond, you may request an extension of time in writing from the Court.**
2. **How to Respond.** To respond to this lawsuit, you must file a written response with the court and mail a copy to the Plaintiff's Attorney (or the Plaintiff, if unrepresented). You can do this by:
  - a. Filing your signed original response with the Clerk's Office for Civil Business, Suffolk Superior Court, 3 Pemberton Sq, Boston, MA 02108 (address), by mail or in person, AND
  - b. Delivering or mailing a copy of your response to the Plaintiff's Attorney/Plaintiff at the following address: P.O. Box 52661 Boston, MA 02205
3. **What to include in your response.** An "Answer" is one type of response to a Complaint. Your Answer must state whether you agree or disagree with the fact(s) alleged in each paragraph of the Complaint. Some defenses, called affirmative defenses, must be stated in your Answer or you may lose your right to use them in court. If you have any claims against the Plaintiff (referred to as **counterclaims**) that are based on the same facts or transaction described in the Complaint, then you must include those claims in your Answer. Otherwise, you may lose your right to sue the Plaintiff about anything related to this lawsuit. If you want to have your case heard by a jury, you must **specifically** request a jury trial in your Answer or in a written demand for a jury trial that you must send to the other side and file with the court no more than 10 days after sending your Answer. You can also respond to a Complaint by filing a **"Motion to Dismiss,"** if you believe that the complaint is legally invalid or legally insufficient. A Motion to Dismiss must be based on one of the legal deficiencies or reasons listed under Mass. R. Civ. P. 12. If you are filing a Motion to Dismiss, you must also comply with the filing procedures for "Civil Motions" described in the rules of the Court in which the complaint was filed, available at [www.mass.gov/courts/case-legal-res/rules-of-court](http://www.mass.gov/courts/case-legal-res/rules-of-court).

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TRIAL COURT OF THE COMMONWEALTH  
SUPERIOR COURT DEPARTMENT  
CIVIL DOCKET NO. 2184CV00069 H

Kelechi Linarday, PLAINTIFF(S),

Det. Peter McCarthy and  
Boston Police Dep't. DEFENDANT(S)

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# NOTIFY

SUFFOLK, SS.

 COMMONWEALTH OF MASSACHUSETTS  
 SUPERIOR COURT  
 DEPARTMENT OF THE TRIAL COURT

Civil Action No. 21-694

Kelechi Linardon

Plaintiff

E-FILE 1/12/2021

v.

Detective Peter McCarthy and  
Boston Police Department

Defendants

## COMPLAINT AND JURY CLAIM

### PLAINTIFF'S CAUSE OF ACTION AGAINST THE DEFENDANTS

Now comes the plaintiff respectfully file this complaint against the defendants under CAUSE OF ACTION (1) Criminal complaint against the defendant Peter McCarthy and (2) civil tort action against the defendants. Law enforcement may be subject to civil suits and criminal charges under certain circumstances. This complaint action is brought against the defendant for causing serious harm to the plaintiff's property and to the plaintiff who sustained serious injuries due to the defendant's negligence. The plaintiff brings an action also for violation of civil rights by the Boston Police Department and Detective Peter McCarthy. Plaintiff seeks damages under the First, Fifth, and Fourteenth Amendments to the United States Constitution, 42 U.S.C. § 1983 and 1985, the Massachusetts Civil Rights Act, and the laws of the Commonwealth of Massachusetts.

#### Statement of facts

The plaintiff is a victim of an organized premeditated auto theft. The plaintiff vehicle was stolen on November 13, 2020 in city of Boston Mattapan address where it was legally parked on October 15, 2020 at a friend's home Mr. Terry Mercury who physically parked it for me at his private home property in Mattapan. I have known Mr. Mercury, his siblings and his family for a long time and on October 15,

2020 he actual drove my car while I was present and parked it himself at his home the same home owned by his aunty whom he obtained permission to parked my car temporary there while I was arranging to go and garaged it permanently in a car storage location because the plaintiff is a wheelchair handicap chronic disabled nursing patient person and unable to drive yet. The plaintiff personally last saw her car on October 15, 2020 parked at the 5 Verill Street, Mattapan, 02126 Boston home address of the friend as well as his aunty home where it was parked by at the home drive way and not on the street. It is also where I entrusted the car to the friend for the sole purpose of only to just park it there and I did not give any permission to use my car, to drive around or to give the car/ key to anyone else without my permission or knowledge. The car was legally park in a private property and wasn't park on the street and even though his aunty gave him the permission to park my car at her house drive way which was I present and witness when his aunty gave him the permission.

During the week of October 22, 2020 just few days after my car was park at the friends aunt's house which is also where he leaves, he then told me that his aunty and him where having problems and due to that on October 23, 2020 the plaintiff didn't waste no time to immediately activated her car garage reservation and set an immediate date to garage her car. After that, I demanded for my car back so that I can go garage it at the reserved storage garage that I have reserved. Upon demanding for Mr. Mercury to return my car that same week of October 22, 2020 as agreed since he knows that I cannot physically drive since I am disabled/handicapped person and had promised to drive it back whenever I request it for it so that I can garage it at my reserve car storage place and he told me that the brakes were loose and that he couldn't drive it. That same week, since I valued my car and a well maintained barely used with very low mileage and expensive, I don't like anymore to temper with it and I only take it to a professional car dealer for yearly maintenance, I immediately started searching calling certified professional mobile mechanics (company name redacted for now) which I found one who had good reputation (will be a witness on this case).

After I informed him that I have found a professional mechanic who will come immediately, Terry intentionally gave me and them mechanic so much difficulties just to come and see/evaluate the brakes after the made several arrangements to have the mechanic come and repair the brakes so that I can get my car. I even made arrangement to pay the mobile mechanic direct after the fix the brake. I waited for along to time to hear back from Terry which was a concern to me and "a red flag" questionable delayed of approximately ten days while I garaged reservation was waiting, the professional mobile mechanic whom I called finial came to see and evaluated the car brakes on November 3, 2020 with Terry present as they arranged. When the mobile mechanic arrived, he didn't see the car or my friend and when the mobile mechanic spoke to me on the phone while he was still there, he told me that Terry told him that

he gave my car key to a person, I do not know without my permission and that he parked my car at that person barber shop across from his aunties house. I was never made aware of this by Terry rather I learned about it for the first time from the mobile mechanic and furthermore the mobile mechanic waited for over two hours on that for this unknown person that has my car keys to arrive, and they couldn't wait any longer and decided to leave which I do not blame them. The mobile mechanic suffered so much on that day to the point that he quit his job as a result of what happen and I felt very bad and extended my sincere apologies to the company owner who was very nice person. The mobile mechanical company owner couldn't believe that the person I entrusted my car to was actual my friend who was carelessly misusing my car knowing that I am a handicap person who depended on him to keep my car carefully. After that experience, the mobile mechanic company told me that one and he even gave me a good advice that I should take my car from friend as soon as possible since his actions with my car is very strange and questionable. The mobile mechanic company was so kind enough to give me a second chance saying that once he hires more mechanics that he will be calling me to come back again which I accepted. Same day when this occurred, I immediately tried very hard to contact Terry to explain to me why he gave my car keys to someone I do not whiteout my permission but he avoided my calls and so I tried to text him and after several texts questioning why he misused my car, gave my car key to someone I don't know without my permission and he finally responded on a text and told me that it was someone that he trusted and that I should relax that everything is good. He didn't know even show any remorse for his actions and was unapologetic to me or the professional mobile mechanic who spent their time coming there and many hours waiting for him.

Due to this delay, I had no choice but to call my car storage garage office and requested for an extension reservation date to bring my car which they were kind enough to extend the reservation for another week due to the circumstance beyond my control since I am unable to drive because I am disabled. I was very concerned and felt helpless because I was very weak with a debilitating health condition during this COVID-19 pandemic and I was already a homecare nursing disabled patient which Terry took advantage of me. He was always rude and verbally abusive even swearing at me when I tried to speak to him about his intentional delay to return my car even as I put all the effort to return my car he will still he will intentionally make things difficult and sabotage it as he pleases. Terry was very uncooperative to return my car from week to week for several weeks and he intentionally sabotage my abilities to get my car back from him after I kept changing my car storage reservation week to week waiting to get my car back from him. I made so much effort to take my car to the point of exhaustion. He would intentionally ignore me and he would very possessive of my car, very controlling, hot tempered, aggressive and verbally abusive as if he is the owner, he wouldn't want me to ask him any question about

my car, as if he was doing something strange with it that I should know and he wouldn't let me even have an opinion on own car which seriously gave me a concern on why he was he was acting like that knowing that I am disabled homecare bound, I was depending on him as agreed and cannot even come and get my car on my own. I attempted very hard to take my car back from him which he deliberately avoided and was uncooperative from the week of October 22 to the week of November 10, 2020 while I kept asking for additional extension of time for the fourth time on the fourth week at my car garage storage location. I exhausted myself in chasing him around to the point that it seriously affected my health severely which I became very ill and he knew and took advantage of it even more.

During the week of November 10, 2020 after several weeks of chasing him around to get my car which caused me to suffer serious life threatened health complications, I sent a text informing him that I have exhausted my extension for my car storage reservation and that the office (*will be a witness on this case*) has been patience with me in holding the car space for me and that if he do not give me my car back by the end of the week of the November 10, 2020 that he will be responsible for my car since I have tried to get my car from him for almost four weeks which was supposed to be a temporary parking at his aunties home/his home as we jointly agreed On October 15, 2020 that he would return my car when I request for it. I did not give him my car to be temporarily park at his aunties home for him to take over ownership of it just because I am disabled and cannot drive and he suppose to be my friend yet he tried to take advantage of my disability and chronic illness knowing that I cannot drive. I did not give him any legal authority to do whatever he likes with my car and certainly I did not give any permission to pawn my car out to his friends or any one at all. I did not give my power or authority give away my car to anyone that he wants when he is the one who suggested and agreed per his aunties permission to park my car at his aunties drive way and watch over it for me while I arrange to garage my car. I was very disturbed on his behavior, I wanted to take my car out of his hands as soon as possible that I decided again to try to find another mobile mechanic who I was going to pay on my own to come to fix the brake on November 9, 2020 but once again the arrangement with the second mobile mechanic and my friend didn't work out the first time after the mobile mechanic arrange to come on that date. While they rescheduled the date, as I was doing my inquires with that mobile mechanic, I found out that he works on his own, he said that he takes cash only and he would charge \$200.00 cash if he does the repair which I was fine with as long as he was providing a receipt and a warranty on the parts as any professional mechanic would do but then he told me that he does not give any receipt or warranty for the parts which was a concern to me that he only takes cash(knowing fully well that I am not near where the car is located and I wanted to pay him with credit card), he also doesn't give receipt for work and does not provide warranty on the parts, I was not comfortable with his business ethics and as a result of this I decided not

to do business with him since I do not feel comfortable having someone who does not give receipt or warranty on parts and takes only cash to work on my car that I do not play with. I told him immediately that I wouldn't hire him and we both at that time went our separate ways as simple as that and I never called him again after that or gave him any permission to work on my car. I didn't give anybody else any permission to work on my car without my knowledge or permission because I don't want just anyone to touch my car considering that Terry has already violated my car when he gave my key to an unknown friend of his whom he claimed owned a barber shop across the street from his aunties house he said that move /parked my car without my knowledge.

On November 12, 2020 after I have had enough of this concern, I contacted my car insurance road side assistance since coverage and made arrangement with them to have their own road side assistance towing company pick up my car from Terry to my storage garage so that I can take back my property from him and handle things on my own and be able to not rush and choose a preferred professional mobile mechanic to come and fix my brakes for me. While I was on the phone with my car insurance Terry final called me in the night time since I gave him a serious deadline to give me back my car or return my car and I told him that I was on the phone with my car insurance road side making arrangement to come and tow my car tomorrow and for him provide me the proper address and time for them to come and tow it and after I told him he was shouting and insulting me and then told me that he will bring my car to me at where I am located tomorrow and that he will leave the key inside the car and go, that he does not care which I responded to him saying that he can bring it as he said and I will take over from there since I have been asking for my car for the past four weeks. He also left the same message on voice mail. Due to his call, I told my insurance to still make the road side reservation temporary for the next day of November 13, 2020(*my car insurance has evidence to show that I made a road side reservation to pick up my car on November 13, 2020*) and I will be calling them to pick up my car just in case Terry does not bring my car back considering the surprising shocking experience I have so far with him. I also told that regardless that I will have my car with me tomorrow November 13, 2020 which I also informed my car storage garage office that I will be bringing my car final tomorrow so that I can have my peace of mind and medically rest.

On November 13, 2020 as I was waiting to know when Terry will bringing my car as he said that he would and all of a sudden, I received threaten texts from him stating that I have to come and get my car and that he will be giving my car out to a wrecker. I exchanged many texts with him letting him know clearly that I have been trying to get my car for several weeks and that if it is not because of this serious deadline I gave him that he will still kept be delaying the pickup of my car. I also reminded him what he said the night before that he was bringing my car to me and leaving the key inside and I told him that I am

waiting for him as he said. I was even supposed to be in the hospital on that urgently but after the several text exchanges which was very stressful I immediately, contacted my car insurance road side assistance on the reservation I made the night before and asked to send the tow company to go and bring my car immediately which they did arrange immediately to have a road side assistance towing company to come and pick up my car on that day of November 13, 2020. It was already afternoon while all this event was occurring and after concluding with my car insurance, they told me the name of the towing company that they are sending and the time that they will arrive. I immediately text Terry that same information the name of my tow company letting him that they are going to be arriving soon they are on their way and their phone number including the time that they will arrive in 1 hour on or before 2:48pm and informed him to make sure to be there and give my car key after verification.

On or about 2:06 pm I received a call from a man and he said my name and told me that he is bringing my car, I thought that he was my road side assistance tow company from my car insurance so but instead he told me that he was called by someone he doesn't know to come and tow my car and bring it to me and have me pay him \$310.00. He also told me that he was 30 to 40 minutes away from where my car storage garage is located. When he told me this, I told him to immediately surrender my car at the location where he took it since he was still there and that he had no right to take my car and demanding for ransom which is an extortion since based on what he told me on how far he is to the location where my storage garage, it shows he was still at the location where he took my car in Mattapan, Boston since 30 to 40 minutes is the exact distance to the where my garage is located. I requested for him to provide me his name and he refused then I asked for him to provide me his tow companies name and address he was extremely hesitant to provide it. I then told him that I am going to call the police and he told me to go ahead call them that he will be right waiting for them. I had to force out his business name from him "Castillo auto shop" while he continued refusing to provide his company name address, I had to googled it and repeated it to him as 243 Hancock street in Dorchester, MA and he didn't want to confirm but confirmed it after I repeated it again while informing that I am calling the police since he is illegal in passion of my property against my will an auto theft but he told me that he doesn't have to give me my car and that he can keep it for himself and take possession. I asked him that if he was a legit tow company who was not committing Criminal Predatory Towing, why would a person he claimed that he doesn't know call him out of nowhere as a "towing company" in private property and give him the owners name, phone number and tell him to just take another person's car and go bring it to that person the owner and the person will be the one to pay him and he didn't care to call that owner to verify or validate and to make sure who will be paying him before he takes a person personal property park in a permitted private property? He didn't want to answer it which made it even more suspicious. Something was extremely

fishy considering that my road side assistance tow company was around the corner and also I was calling the police yet he took off did not wait because he was commit an illegal criminal activity using his business name to cover his crimes. He told me that because he can and that if he doesn't get money that he will keep my car, nobody will do anything about it and that body else will be the one to bring my car unless it is him only. I told him that I will not be a victim of a car theft or extortion and that I am calling the police for my auto thief immediately.

I was in a shock and traumatized by the fact that I am been victimized and that the person who stole my car is demanding for ransomed from me in few minutes of stealing my car which he had no legal right to steal in private property by using his business name facilitate criminal predatory towing and stealing cars while demanding a for ransomed to chronic still disabled person. While he was talking to me trying to extort money from me, my own road side assistance towing company called me and said that they are at the location in Mattapan and cannot see my car and I told them that an unknown person just stole my car just few minutes ago and are demanding for a ransomed of \$310.00 in order to give me my car which is an extortion and theft. My tow company told me to immediately call the police that something doesn't seem right and that it is definitely an illegal activity. I immediately called the police at the Boston C-11 division in Dorchester since this auto theft claimed that his shop is located at 233 Hancock Street, Dorchester MA. I explained to the police station what was happening and ask them to immediately come at that location before my car disappear forever since it was still only several minutes while this was occurring. It was a male and then a female police officers that I spoke and the female officer who told me if I wanted to file an auto theft report which I told them yes that I wish to do so, however to first arrive at the location before my car can no longer be found since I called them on emergency but instead of coming as they supposed to do, they ask me if I can give them the phone that the auto theft tow predator called me from so that they can call him to get his proper location. It was still afternoon when the female police officer called the person that stole my car while I was placed on hold and after she got back on the phone she told me that Mr. Castillo who stole my car who lied and deceiver the police officer telling her that he is not demanding for no money that I can just redirect my road side assistance who was waiting at the Mattapan address to come and get my car at his auto shop at 233 Hancock Street, Dorchester and must come take it before 9 Pm on that November 13, 2020 and that after every one can go their separate way. The female officer at the C-11 police station told me this in the afternoon approximately between 2:30 and 3pm and she told me that I should just call back my road side assistance to come and take my car form this Castro guy shop in Dorchester and send them to that address and then call them when they arrive there if there is any problem. I followed her instruction and called

back my road side and my auto insurance and road side tow company since the first one has left and after waiting for long.

The second road side assistance went to the Dorchester "auto shop" address immediately as directed by the police officer but when they got, my roadside assistance tow was not able to find him and this Castro person who stole my car was intentionally delaying giving back my car and holding it hostage while demoing for ransom. As the time continue running, I then called the C-11 police station again to let them know what just occurred and requesting for them to go to this "Castillo" claim auto shop location before my car disappeared with this thief or cannot be found again but instead they called him again and told me to send back yet another road side assistance towing company which will make it the third towing company so far I have called on that same day. While I was becoming much sicker and my blood pressure was claiming up very fast at a very high risk, the time now turn to evening/night. I then again called my car insurance and arrange for the third road side assistance towing company but this time while the third tow company was looking for this address that he provided in Dorchester and cannot find him, I tried to call Mr. Castillo to let him know that once again my tow company is looking for him but he threaten me stating, *"that he will not speak to my tow company who is on the way and that he must speak to my car insurance and that he doesn't have to give me my car and that he own my car now and he will take ownership of it and he must be the only one to bring to me and take \$310.00 if not that he won't bring it and will take full possession of it using his tow company name to permanently take possession and ownership of the property"* and then told him again that he is committing a crime of auto thief, I demanded for him to release my car to the police that he illegal took possession of or that I will be filing a police report and that he is a thief using his shop to facilitate auto thief and extortion. By this time it was night already and I was exhausted and very sick and I called the C-11 police station again to inform them and once again they told to call yet my insurance company to have a fourth towing company to come and when they come that I call the police station request for officers come. My car is missing while this auto thief "Mr. Castillo" is sending my tow companies on a wide gooses chase all the entire afternoon and the early night just to intentionally delay and prevent them from bringing my car on that day since his intention was to steal and take possession of my car by force while covering his crimes with his 'auto shop/tow business name to commit Larceny of a motor vehicle and premediated Criminal Predatory Towing.

I contacted my car insurance to arrange for the fourth road side assistance tow company to come and this time while the fourth tow company was on the way, Mr. Castillo was contacted again and this time I had my female friend on the phone as a witness to verify his shop address since he has been purposely been given address where he is not located and this time he kept insisting again that he doesn't

want speak to my tow company and that he must speak to my insurance company first which I asked him what does speaking to insurance company have to do with whoever I am sending to come and get my car for me and that if I was driving I would have even come myself and said that he wants to speak to them because the entrance to where he park my car at his shop has a security key where if the tow company come that they might be not able to open it if he is not there and we find what he said to be a total nonsense, this doesn't make any sense at all and we suspected that he is not been truthful and was trying to do something extremely unethical, criminal and illegal because it didn't make any sense why he wanted to only speak to my insurance company when my tow company is on the way who is the person he should be speaking to. At that time we knew that this Mr. Castillo was trying to commit another criminal offense and was so disparate to extort money by any means possible from anyone affiliated to me in order to give me my car which tells me that it was a joint conspire plan with Mr. Mercury to commit a force extortion of money from me so that they can share it because he wasn't a random tow company called, it was actually his friend(they knew each other) who has auto shop that was aiding him to steal from me since I am very sick and cannot be able to come in person for my car. Mr. Castillo the auto thief was committing this crime using his auto shop to cover up the illegal predatory towing criminal activities to try to make look as if it was legit so that he wouldn't be suspected for auto thief when it is in fact a criminal offense of an auto thief.

As I was speaking with my car insurance again and I told them that Mr. Castillo was demanding to speak with them while holding my car hostage, they also find it to be very strange and couldn't understand why he was demanding to only speak to my car insurance. My car insurance road side assistance agreed to speak to get things moving and just to tell him that my fourth road side assistance towing company is near address that he provided and cannot find him. After my car insurance agent spoke to him which I waited for a long time, the agent came back and told me that the Mr. Castillo was trying to force them to put a false claim on my car insurance for \$310.00 and for them to send away my towing company and let him be the one to deliver my car if not that he will not give me my car and that he will take the possession if no one gives him the \$310.00 and my car insurance didn't agree to such demand(*considering that my car insurance whom I arranged to tow my car one day before this day knows what it would have cost for a tow company road side assistance to tow my car to my location of garage and it wouldn't have been even half of what this thief was demanding to extort from me and the fact that the evidence shows that he never left Boston and was still near the location where he stole my car earlier in the afternoon which was his shop at the Dorchester that was only less than six miles away, therefore he couldn't justify his demand for such amount of money when I didn't do any business with him, I don't even know him nor did I authorize any one to conduct any business with him on my behalf*)

*and me to do business with him instead by holding my car hostage committing auto thief and extortion )* since he has no basis or legal rights to try file any frivolous claim with my car insurance as well as he wasn't the member or the insurer and I am the only who has the right to do so not him. My insurance also told him that he doesn't have a right to force down on me to choose him as the tow company especially the fact that we have been trying to get my car that he held hostage for the past six hours still counting while it was it was approximately 7 pm going to 8 pm on that November 13, 2020.

After Mr. Castillo saw that he couldn't extort money from my car insurance or from me as he was so desperate even though he lied to police officer who called him in the afternoon that day telling her that all I needed to do was to just send another tow company that afternoon and come take my car immediately without any strings any damage for money. Mr. Castillo who is a manipulative extortionist and a car thief was still try every means possible to extort money in desperation using his shop's name to commit theft while victimizing and taking advantage of the fact that I cannot come in person to his shop because of my debilitating chronic illness a nursing homecare disabled sick disabled patient. He tried to deceive everybody on that day without telling the police officers what he was trying to do while he enjoyed putting all of us through horrible distress of all day and night making four of my roadside assistance tow companies to chase him around on a wide gooses chase while he took my car and hide it in a different location. After the fourth tow company tried very hard to find out after the address where he took my car since the tow drive and I stayed on the phone working real hard and the police was telling me that we should call them once the tow company gets to which ever location that he hiding my car. My fourth tow company driver (*who can be a witness on this case*) tried very hard throughout that night to the point that he even get out of his truck and started working by foot while asking people/residence around the area for 233 Hancock Street Dorchester while he was at the Hancock street to confirm and reconfirm for the Castillo auto shop. My tow company even tried very hard to call Mr. Castillo many times but he didn't answer and tried to call him he avoided the call which left a message that I going to file a report for the theft of car and extortion since he has been misleading people on the way about of or where he was intentionally hiding my car that he stole and are holding hostage including the police and my four roadside assistance tow companies for several hours and it was after 8pm going to 9pm because he wasn't able to extort money from me or was allow to file a false claim with my car insurance for illegal extortion. I learned from my last towing company of that night of November 13, 2020 who tried very hard to reach this thief that, after he left since he couldn't wait anymore, that Mr. Castillo finally responded to give yet another address located somewhere in 1337 blue hill Ave when he already which obviously was shows that he was using my personal property driving around my car everywhere violating and devouring my car which I felt invaded and intruded.

Mr. Castillo intentionally sent everyone on a wild goose chase all day deceiving all of us when he intentionally wanted to exhausted everyone so that he can keep my car as his own possession as he threatened me earlier in the day. I called back the police station at the C-11 Boston district station and to finally file the auto thief report as they said early but instead I was told that I have to call the police department where I was temporary staying in Saugus, MA and that they are the one who have to file auto thief report and when I asked them why I have to file my report at another city/location/jurisdiction when the thief of my car didn't occur there and they told me because that's where I am staying therefore it is the location where I have to file my auto theft report. I followed with what Boston police instructions and contacted Saugus police department and they took detailed of everything that occurred that day and then filed the auto theft police report which I signed, then I was provided a copy of the report and my car then was placed on auto thief alert. It took over eight hours in total on that day of November 13, 2020 which exhausted me as a homecare nursing disabled patient and I suffered serious life threaten health complications as a result and are still currently on that serious health complications till present. Up till present my car is still missing, it has not been return, I do not know where my car is and was told by the defendant that it is still in the possession of the auto thief criminal Mr. Castillo who the defendants aided more to commit illegal auto thief and money extortion. I refuse to be victimized by criminals.

**Note: The details of the event is very long, Plaintiff reserve the rights to amend this complaint for additional.**

#### **COUNT I – CRIMINAL AND CIVIL COMPLAINT**

##### **1. Violation of Massachusetts General Laws Chapter 266 Section 29, Obstruction of justice, illegal interference of an auto theft investigation and abuse of power and privileges**

After filing the auto thief report on November 13, 2020, I waited for almost one week of silent waiting to hear from the Boston police department inquiring if they found my car (*from Mr. Castillo who stole my car to assist his friend Terry Mercury, holding it hostage using his auto shop/tow business to facilitate and cover up the auto theft criminal activities*) and retrieve it as well. On or about November 20, 2020 even though I was critical sick/bed rest and not supposed to have any stress or speaking too much as a result of the serious health complications due to the many hours of unnecessary affliction of suffering on November 13, 2020 the day my car was stolen, I decided to call the Boston Police Commissioners office regarding my concern why my car have not been found/retrieve since the time my car was on auto thief alert since November 13, 2020. After speaking to a woman at the Commissioner's office whom I gave the

police report number that I filled for auto thief with Saugus police, she told me that she will be having someone from the Commissioner's office call me back. Later on that day Friday November 20, 2020 Detective Peter McCarthy left me a message stating that he was calling to reach out to me regarding the call I made to the Commissioner's office. I called him back after I received his message and I didn't reach him but I left a message for him. On Saturday November 21, 2020, Detective MacCarthy called me but I was very ill where I can barely have the strength to speak clearly which he knew and but he was very hostile and aggressive, he came off very angry, very racist, impatient didn't care to hear what I was saying as he was consistently interruptive, as if he was forced to even call me, as I was the one disturbing him his peace when he was the one who was disrupting my chronic serious illness when I am in sick bed which doesn't need any more intensive stress. He was very rude and even trying use intimidation as a white police officer superiority when I am the victim of auto thief, and he was very angry as if he is the one who stole my car and threatened me stating that the Saugus that shouldn't have file a stolen car police report, they do not have the right to or jurisdiction to do and that he can remove it regardless if it was stolen or not which I felt concern his verbal abuse. He was clearly trying to use threats to violate Massachusetts General Laws Chapter 266 Section 29 that states [*"Section 29. Whenever a motor vehicle is stolen or misappropriated, the owner of record shall sign and submit to the appropriate police authority a statement under the penalties of perjury on a form containing such information relating to the theft or misappropriation of the vehicle as is prescribed by the registrar of motor vehicles."*] and he was clearly trying to commit an Obstruction of justice, illegal interference of an auto theft investigation and abuse of police officers union and privileges while depriving me of my civil rights and rights as a victim of auto thief. His behavior on that conversation was extremely outrageous and he was trying to sabotage a valid auto thief investigation as if he had already made up his mind before calling me. He acted as if he personally knows Mr. Castillo, trying to protect someone knows and was intentionally compromising and sabotaging stopping the start of the auto thief investigation before it even started considering that this was our first time speaking with each which was one of the reasons I told him that I would prefer to speak to someone else be assigned to ad different and uncompromised investigator who is not abusive especially to a sick person. I asked to have someone else to assign to the case investigation and I also requested under Americans with Disabilities Act (ADA) to arrange to speak an ADA coordinator at the police department who works with people with disabilities on a filed auto thief police report but obviously he didn't care or respected to my request under civil rights. The conversation with him ended because of his disruptive abusive behaviors which was affecting and putting a risk to my illness. The law forbids an officer from threatening to anyone involved in an auto thief complaint for the purpose of discouraging the victim from asking for police assistance.

On the same weekend of the November 21, 2020, I learned from the Saugus police department who filed my auto thief report as a victim, that Detective Peter McCarthy contacted them on the same day that he called me and attempted to persuade them as follow police officers to remove the auto thief alert from my car and they refuse his persuasion request and they let him know that they know the details of my car thief by Mr. Castillo on the day that car was stolen on November 13, 2020 since are the ones who took the report and until my car is found and retrieve back to me as the owner, that they will not remove the auto thief alert on my stolen car. This is also in accordance to Massachusetts General Laws Chapter 266 Section 29.

**2. Inciting, Intentional Aiding and Abetting Extortion against chronic ill people with disabilities**

On or about November 23, 2020, Due to the fact that detective McCarthy couldn't force, persuade, convince, motivate, entice the Saugus police because they are his follow police officers to commit a crime of tempering and changing a formal legal police statement report of auto thief signed under the penalties of perjury and since he couldn't have his way to obstruct justice, he decided to take matters into his own hands, by proceeding to break the law on forging his own report, to point of even putting a Boston police report number on it (*as if he was me the victim, and as if it was the only police report available when the genuine legal valid auto thief report that I made and signed still exist*) without my knowledge trying to supersede a formal legal auto thief police report that I made following the Massachusetts General Laws Chapter 266 Section 29 at the Saugus police on November 13, 2020, which is the only one formal report made on the thief of my car. Detective McCarthy actions is obviously a clear abuse of police officers power and privileges and an illegal interference of justice. Later on I also learned about his intimidate letter/report that he sent to Saugus police department (*acting as if he is the advocate for Mr. Castillo the criminal tow business owner who stole my car*), demanding they should remove my car from the auto thief alert stating, that he have found my car and that it with a towing company and while he was pretending to the Saugus police as if it is a deferent towing company who found my stolen car and are keeping it for me when it is in fact the same auto theft criminal Mr. Castillo who stole my car in the first place is who still has it till present which Detective McCarthy was pretending as if it is a different towing company. The Saugus police department didn't know that it was still the same criminal tow business owner Mr. Castillo the primary suspect named on the November 13, 2020 auto theft on the report is who this detective McCarthy (*was helping out to steal and keep my permanently while helping for ransom*) failed to fully disclose to them but rather he made it look as if he found the car and that it is with a tow company.

I was not even aware of detective MacCathy's serious obstructions of justice to affect an auto theft investigation until weeks later while I was making my inquiries. The Saugus police department followed the law and trusted that detective to removed the auto alert with the believe that Boston police have found my car and have return my car back to me but instead they were deceived by this detective as they found out later and from me that my car still have not been return to me but rather the detective wanted to conceal a valid auto thief by trying to claim that it is a " civil matter" when it is not, just so that he can aide a criminal auto tow company Mr. Castillo who illegal stole my car and demanded for a ransom the first few minutes when stole my car. Detectives MacCathy knew very well that he was committing an illegal aiding and abetting of Larceny of a motor vehicle and as well as victimizing a vulnerable very weak sick disabled who is on bedrest because he wanted to do more damages on a malicious intent and retaliation with racism because I told that I wish to speak another investigator and not him. He wanted to conceal the crime quickly for these tow company criminal activities before I am able to even get better from my serious illness so that it will be too late before I found out what's happening with investigation.

This is the reason he left me a message just less than 48 hours on November 23, 2020 after his first hostile call to me on November 21, 2020. Beside the obvious violations committed by this detective which shows clearly that he did not want to conduct a properly investigation on my auto theft among other reasons as listed so far including trying to persuade Saugus police department to remove my car as stole when it has not been recovered yet and his attempt to call it a civil matter, he also left me message on November 23, 2020, stating that "*he knows that I am not going be happy with this, that he spoke the Mr. Castillo(the same person who stole my car and used his towing company to conceal the theft) and that my car is with him and that Mr. Castillo wants \$310.00 in order for him to return my car and that this is civil matter and I should give Mr. Castillo the \$310.00 extorting money and he will bring my car.*" This also support that this detective is corrupted and a defective police officer considering that he was trying to encourage to me to agree to a force extortion. Detective McCathy along with Boston police department definitely has a strong conflict of interest with this criminal towing company owner Mr. Castillo and probably with other illegal towing companies in Boston that works hand in hand with Boston Police department whom protects them when the victims the public.

**3. Inciting Aiding and Abetting premediated Criminal Predatory Towing on chronic ill nursing homecare disabled patient/vulnerable ill disadvantage people**

After less than one week after that November 23, 2020, I contacted the Boston police internal affairs office regarding Detective MacCathy behavior and police misconduct, the officer that spoke to me first at the Boston IA officer around the week November 25, 2020 contacted Mr. Castillo to inquire his relationship with Mr. Terry Mercury and **the Internal Affairs Officer discovered and disclosed to me many times that Mr. Castillo**(the person who stole my car withhold it for a ransom) *confessed that he and Mr. Mercury are friends for a long time and have known him for a long time, have done business together and that in fact Mr. Mercury called him personally and directed him to come since he has a tow and auto shop company to take my car on that November 12, 2020 stating that I owe him money \$310.00 and that he should take my car and bring it to me but collect his money from me and this is why he hold my car hostage demanding for extortion ransom until he collects the money for his friend Terry and that he and only him must be the one to bring my car if not he will continue holding hostage and take possession of it.*

This clearly supported my suspicion from the beginning that this criminal act had to be an organized conspired auto theft planned to extort me money which I didn't allow them. This also supported what I have been saying from the very beginning that this was a **premediated Criminal Predatory Towing** where the criminal who stole my car "Mr. Castillo" the same person who used his auto shop/towing business to conceal his criminal activities on stealing peoples car with the aid of his friend Mr. Mercury who calls him to do an illegal towing for them while they share the money that he extorted from innocent victims. **His auto thief confession was more than enough to show that Mr. Castillo is a professional auto thief criminal who should have been criminally charged for auto thief and premediated Criminal Predatory Towing and for extortion. He uses his towing and auto shop business name to cover up, conceal and make it legit his criminal predatory illegal towing so that he wouldn't be suspected of any criminal activities showing that he organize with his friends to commit auto thief and while victimizing and preying on the most vulnerable handicap chronic sick disabled people who he cannot drive and are physically weak enough not to be able to look for him.**

Mr. Castillo, on November 13, 2020 when I and other people asked him, he had claimed and lied that he was called randomly as a tow company by someone he doesn't know to come and tow a car that was parked on a property but with his confession which I have known all along, it shows clearly that he was lying and he is a manipulative criminal. He claimed that he didn't know that person that called him and that he was just doing his job but yet his confession proofs that he was lying at that time. He entire actions

on that day was very questionable especially when I asked him to leave my car at that moment and that I am calling the police and also that my towing company was around the corner to pick up my car. Any legit towing company would have waited for the police to arrive while he was still at around the location that he took my car or even take it to the police station to clear it but instead he took off with my car as any auto thief would do.

Mr. Castillo suspicious manipulative behaviors was too alarming to the extent that I decided to ask all four of the professional road side assistance towing companies that tried to pick up my car for me on that November 13, 2020 and other companies later on some questions:

- (a) if they would do what Mr. Castillo did and they all answered absolutely no and that it had to be a premeditate arranged thing that Mr. Castillo did with his friend Mr. Mercury to extort money at my weakest time knowing that I was very sick and a handicap who cannot drive.
- (b) These tow companies also stated that there is no legitimate professional tow truck company that would agree to just tow a car in private property and be directed to bring it to an unknown person and that person will be the one to pay them.
- (c) They even told me that it doesn't work that way under the rules and regulations of towing cars and that this must be a premediated Criminal Predatory Towing which the police is supposed to have stop on that same day that my car was illegally stolen.
- (d) They also told me as I already know, that the amount that Mr. Castillo was seeking on that day was a ridiculous a higher amount \$310.00 which if I was even having my own towing company that the amount that is tried to take does not even equate to the distance where my car was going to be garage on that day.
- (e) They also stated that Mr. Castillo was in fact fabricating that amount of \$310.00 that he was demanding, he was trying to extort from me and that it was definitely a planned organized conspired extortion.
- (f) They even stated that if it was a genuine real random towing company that was called to tow my car, *(which they wouldn't agree to tow my car without calling me considering the circumstances on that day knowing I didn't trespass and that my car was legally park in permitted private property and knowing that my road side assistance tow company was around the corner)*, **that State law says the maximum companies can charge for a standard involuntary or trespass tow is \$108.00 and no more than that.** Therefore where did Mr. Castillo get the rest of the amount that made up to the \$310.00(*even though I did not conduct any business with Mr. Castillo and I do owe any money to him or his friend*) that he was demanding except that he was helping his friend to extort money from me that I didn't owe by using his tow company to facilitate and

conceal a criminal act that he committed. Even in the normal circumstances which is not , the state law states "If they're charging over what the state allows the tow company to charge, and essentially holding the car against the person's will, it could be considered extortion."

- (g) They also told me that if it was their own friend who called them to use their state license towing company to conceal commit an auto thief on a handicap person or anybody just to help them out to illegal collect money which they are not sure if the accuser owe them or not, that they will not have agreed to do such thing because it is considerate as illegal towing and a thief which they can lose their towing truck license, will face criminal charges and pay damages if convicted.
- (h) They also said that any real ethical genuine tow company who wasn't in as accessory to an organized premeditated auto thief, would have told his friend who called him to come and illegally tow or steal a person car in a legally park private property, that if he believe that the owner of the car legally owe him money then, he should file a civil suit in the court for his money owe and let the judge decided and the owner accused will have a chance to defendant the accusation but as a legal tow company they cannot just agree take matter into their own hands and become a judge and executioner which is not the way to do things. They also told that they will not just go and take somebody private property or car just based on whatever their friend told them without knowing if that friend is telling them the truth or not and without verifying from the owner if the friends statement is true not because it can make them legally an auto thief or property thief when a court judge didn't rule to take a person property.

This confession also supported my obvious believe and suspicions of Mr. Castillo's creditability that he was in fact lying on November 13, 2020 when stole my car during the time that he called me and when asked him how could a legit licensed towing company just agree to take a strangers car in a private property and was giving the name of the owner, the phone number of the owner and was told to bring the car to me and collect money and yet he didn't care to call me first while he was still there to verify from me the owner before he took my car. His behavior on that day was questionable and he acted like a criminal and I knew that something wasn't right or ethic but the Boston police department incited and encourage him to steal my car because they probably know his towing company.

#### **4. Inciting Aiding and Abetting Larceny of a motor vehicle**

Peter McCarthy detective of Boston police department failed to do basic investigation and did not act in good faith and exercised due care on the investigation. He failed to perform duties imposed by state law, in a violation of federal constitutional rights. The federal law, specifically 42 U.S. § 1983,

allows a person to sue a police officer or other government official who violates the person's civil rights. **My car is still not retrieved up till today and it has been 2 months that my car have been missing and the police department have not return or even made any charges against the people who arrange to steal my car.**

The Boston police department failed to assign an uncompromised not corrupted investigator as I requested therefore violated my constitutional rights. The Boston Police Department had a chance to have assigned the investigation to a different detective as I requested and could have also correct their own mishandling of my car theft investigation on the same week of November 21, 2020 when I reported the horrible racist mistreatment and threatens that I receive from the compromised detective McCarthy on the first and only time that I spoke to him on the phone on November 21, 2020. The Boston Police Department didn't care to investigate the thief of my car properly because of also racism but they choose to assign a bias, corrupted, authoritative, bigotry racist superiority, abusive of power detective officer. They chose to make matter worst by mishandling the theft of my car on hands of a detective who committed a serious misconduct who has done everything in his power to help illegally aid and abet the Larceny of my motor vehicle by Mr. Castillo a criminal. He aided the illegal withholding hostage of my property to extort money from me. He has done everything in his power to help the criminal who stole my car "Mr. Castillo" the same person who used his auto shop/towing business to conceal his criminal activities on stealing peoples car with the aid of his friends who calls him to do an illegal towing for them while they share they money that they extorted from innocent victims. He intentionally and out of revenge prevented a proper investigation of my auto theft report for almost two month that my car has been missing and have not been return even till present. Detective MacCathy is criminally and civil liable for the damages and for my car.

##### **5. Aiding and Abetting Willful and Malicious Destruction of Property**

The defendant acted with malice. A malicious act is one that is motivated by hostility or revenge. Willful and malicious destruction of property is a criminal offense under Massachusetts General Laws Chapter 266 Section 127. There are three elements of willful and malicious destruction of property, as follows, which the government is required to prove beyond a reasonable doubt:

The defendant destroyed or injured the property of another person, including another person's personal property, building or home. The defendant acted willfully. Willful means intentional, and therefore, if there was an accidental act then this element cannot be satisfied. The defendant acted with malice. A malicious act is one that is motivated by hostility or revenge. To satisfy this element, however,

the prosecutor does not have to prove that the defendant knew the owner. If one is charged with malicious destruction of property over \$250, then the government will have to prove, as a fourth element, that the damage was more than \$250. This means the reasonable cost of repair or replacement. Wanton destruction of property is not a lesser included offense of willful and malicious destruction of property. If the damage is done to a vehicle, one may also be punished under Massachusetts General Laws Chapter 266 Section 28.

**6. Aiding and abetting criminal's auto shop/towing company's business owners to use their business name to conceal their Criminal Predatory Towing activities**

Detective Peter McCathy is an accessory to the thief of my car and the failure to recover my car on time. The wrongful retention of my car constitutes criminal and civil theft in Massachusetts. He is also an accessory to criminal predatory of auto thief of the most vulnerable in Massachusetts including the chronic sick disabled handicap people/patients. He aided to victimize a sick bed resting disabled patient and attempted to extort money from me when my car was illegal stolen and held hostage for ransom and conceal under a towing company name who are committing criminal offenses. He is abetting tow truck owners who are illegally stealing peoples car with the aid of their friends that calls them to do an illegal towing for them, while using their tow company to try to make look as if it is legit and after they will all share the money that the extorted from innocent victims with each other.

**COUNT II – Negligence**

Under a negligence cause of action, the plaintiff claims that the defendants owed a duty to the plaintiff and that the defendants knew or should have known that his police conduct is not made in good faith, or if it violates clearly established law, they may be liable to the victim for damages in federal court, under **42 U.S.C. s. 1983**.

My car wouldn't have been stolen or missing or be in the hands of a criminal if the Boston Police department had arrived immediately responded and come to the location when they were contacted by me just few minutes when this criminal "Mr. Castillo who my stole my car was still near the location where he illegally tow my car and was demanding for extortion ransom which I refused to be a victim of extortion by a criminal who used his business name to cover up and facilitate illegal criminal activities.

Mr. Castillo is an auto thief criminal and an extortionist who used his tow and auto shop business to cover up his criminal predatory illegal towing and a criminal who uses his business name so that he

wouldn't be suspected of any criminal activities to organize with his friends to commit auto thief and while victimizing and preys on the most vulnerable handicap chronic sick disabled vulnerable people who cannot drive.

- a) The Boston police knew even before this confession, that this was an illegal towing of my car, they knew that it was a premeditated Criminal Predatory Towing
- b) They knew that this was an organized group crime aimed to commit an extortion on a sick disabled nursing patient who was too weak to fight back
- c) They knew that Mr. Castillo was an auto thief and that this was an organized extortion
- d) They that this was Larceny of a motor vehicle
- e) They knew that this was a Willful and Malicious Destruction of Property
- f) They knew that Mr. Castillo was doing favors for his friend Mr. Mercury and that he was not just a random tow company but rather a longtime friend of Mr. Mercury and using his business to conceal and commit criminal act of auto thief
- g) They knew that if Mr. Castillo was committing a criminal act of Larceny of a motor vehicle and that if he was an ethical license towing company he wouldn't have towed my car in the first place and if he was an ethical towing company he wouldn't have up till present chose to **violate the Massachusetts General Laws Chapter 266 Section 29**, for example, if my car was parked on the side street which it wasn't and he was called to tow it, he would have followed the **Massachusetts General Laws Chapter 266 Section 29, that states:** *{Whenever a stolen or misappropriated motor vehicle is recovered by a police officer or other law enforcement officer, the police department shall notify the registry of motor vehicles, the owner of record and the storage facility if any, as soon as possible after the identity of the owner is determined. Such notification may be made by letter, telephone call or personal visit to the owner and shall include information as to the location of the recovered vehicle. In the event the vehicle is placed in a garage or other storage facility, the owner of said facility shall lose his lien for the reasonable charges for storage and towing unless he notifies the owner of record of the vehicle by certified mail and return receipt requested within five days of the date of said recovery or his actual knowledge of the identity of the owner of record. Said notice shall contain the information on the location of the vehicle and the amount of charge due on said vehicle} {The court shall, after a defendant is convicted of a violation of subsection (a) of section twenty-eight, conduct an evidentiary hearing to ascertain the extent of the*

*damages or financial loss suffered as a result of the defendant's crime. A person found guilty of violating subsection (a) of section twenty-eight shall in all cases, upon conviction, in addition to any other punishment, be ordered to make restitution to the insurer for any financial loss sustained as a result of the commission of the crime; provided, however, that restitution shall not be ordered to a party whom the court determines to be aggrieved without that party's consent.}* Mr. Castillo did not follow these state rules and regulations even till present two months later of not returning my car which I do not know where it is, because he knows that he cannot justify to send me any notice by certified mail and return receipt then and which he still didn't send any way and cannot do now due to the fact that the person who stole my car was him as the auto thief criminal who also withhold my car hostage while demanding for ransom extortion against my will.

- h) The Boston police department knew all of these criminal illegal activities conduct by Mr. Castillo including the fact that I learned that he drove my car which is a violation by itself and yet they aided and abetted this person to continue committing criminal offenses.
- i) The Boston Police department is liable for the auto thief of my car since my car has been missing for the past two months and remain on the hands of the person who stole my car, therefore the court should hold Detective Peter McCarthy criminally liable and Boston Police Department responsible to pay for the damages, pay for my car and for my pain and suffering.

#### **7. Inciting Assault (Civil) and Personal Injury to chronic ill disabled people**

Due the defendant failure to act on time and allowed my car to be stolen which caused me to suffered serious life threaten personal injuries including severe physical symptoms, medical costs and the emotional distress the plaintiff suffers after. As a further result of defendant's aiding assault, plaintiff suffered distress and incurred expenses.

#### **8. Inciting Intentional Infliction of Emotional Distress**

Defendant did not acted in good faith and exercised due care on the investigation and as a result of Defendant's outrageous conduct plaintiff substantial distress and physical harm. Outrageous conduct

caused plaintiff to suffer shock, great indignity, and severe emotional harm of a nature that no reasonable person could be expected to endure.

**P R A Y E R**

**WHEREFORE**, premises considered, plaintiff respectfully prays to the honorable court that judgment be rendered in her favor as follows:

- (a) Judgment be rendered ordering an immediate hearing on Emergency relief and injunction hearing.
- (b) Judgment be rendered ordering and issue a Probably Cause on the criminal complaint against the Detective Peter McCarthy of the Boston Police Department for the criminal offenses listed on this complaint.
- (c) Preliminary and permanently enjoin Defendants and Immediately issue an Emergency injunction under the Civil Rights Act to prevent more imminent harm to a chronic ill home care nursing disability patient plaintiff and under Americans with disabilities Act, Preliminarily and permanently enjoin Detective Peter McCarthy and the Boston Police Department from further harm on the plaintiff private property.
- (d) To order Defendants to immediately pay for the cost of the plaintiff's car and all my sentimental things with my car and to immediately find and release my car in the excellent conditions that it was, prior to been stolen including with no miles added to the original mileages of the car prior to the illegal thief of my car.

**WHEREFORE**, plaintiff demands judgment against defendants and be awarded damages in the sum of \$60,000 dollars (\$60,000) including the cost of her car and the sentimental properties, plus interest and costs, \$250,000 in **pain and suffering**, or any non-economic damages and/or further damages as deemed by the Court.

**JURY CLAIM**

The plaintiff claims a jury trial on the causes of action set forth herein.

Respectfully submitted,

  
Date: 01/12/21  
Kelechi Linardon

**CERTIFICATE OF SERVICE**

1. Detective Peter McCarthy at Boston Police Department at the Legal department, 1 Schroeder Plaza, Boston, MA 02120 this 12th day of January, 2021.
2. Boston Police Department at the Legal department, 1 Schroeder Plaza, Boston, MA 02120 this 12th day of January, 2021.

<b>CIVIL TRACKING ORDER (STANDING ORDER 1-88)</b>	DOCKET NUMBER <b>2184CV00069</b>	<b>Trial Court of Massachusetts The Superior Court</b>
CASE NAME: Linardon, Kelechi vs. Boston Police Department et al		Michael Joseph Donovan, Clerk of Court
TO: Peter McCarthy, Detective No addresses available		COURT NAME & ADDRESS Suffolk County Superior Court - Civil Suffolk County Courthouse, 12th Floor Three Pemberton Square Boston, MA 02108

**TRACKING ORDER - F - Fast Track**

You are hereby notified that this case is on the track referenced above as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

**STAGES OF LITIGATION****DEADLINE**

	SERVED BY	FILED BY	HEARD BY
Service of process made and return filed with the Court		04/12/2021	
Response to the complaint filed (also see MRCP 12)		05/12/2021	
All motions under MRCP 12, 19, and 20	05/12/2021	06/11/2021	07/12/2021
All motions under MRCP 15	05/12/2021	06/11/2021	07/12/2021
All discovery requests <b>and depositions</b> served and non-expert depositions completed	11/08/2021		
All motions under MRCP 56	12/08/2021	01/07/2022	
Final pre-trial conference held and/or firm trial date set			05/09/2022
Case shall be resolved and judgment shall issue by			01/12/2023

**The final pre-trial deadline is not the scheduled date of the conference.** You will be notified of that date at a later time.  
**Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.**

This case is assigned to

DATE ISSUED <b>01/20/2021</b>	ASSISTANT CLERK <b>Steven J Masse</b>	PHONE <b>(617)788-8181</b>
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CIVIL TRACKING ORDER (STANDING ORDER 1-88)	DOCKET NUMBER 2184CV00069	Trial Court of Massachusetts The Superior Court 
CASE NAME: Linardon, Kelechi vs. Boston Police Department et al		Michael Joseph Donovan, Clerk of Court
TO: Boston Police Department No addresses available		COURT NAME & ADDRESS Suffolk County Superior Court - Civil Suffolk County Courthouse, 12th Floor Three Pemberton Square Boston, MA 02108

**TRACKING ORDER - F - Fast Track**

You are hereby notified that this case is on the track referenced above as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

**STAGES OF LITIGATION****DEADLINE**

	SERVED BY	FILED BY	HEARD BY
Service of process made and return filed with the Court		04/12/2021	
Response to the complaint filed (also see MRCP 12)		05/12/2021	
All motions under MRCP 12, 19, and 20	05/12/2021	06/11/2021	07/12/2021
All motions under MRCP 15	05/12/2021	06/11/2021	07/12/2021
All discovery requests and depositions served and non-expert depositions completed	11/08/2021		
All motions under MRCP 56	12/08/2021	01/07/2022	
Final pre-trial conference held and/or firm trial date set			05/09/2022
Case shall be resolved and judgment shall issue by			01/12/2023

**The final pre-trial deadline is not the scheduled date of the conference.** You will be notified of that date at a later time.

**Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.**

This case is assigned to

DATE ISSUED 01/20/2021	ASSISTANT CLERK Steven J Masse	PHONE (617)788-8181
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